

For:

Introduction: 12/2/19

PC review/recommendation: N/A

Public Hearing N/A

Adoption _____

THE TOWN OF MOUNT AIRY, MARYLAND

ORDINANCE NO. 2019-15

AN ORDINANCE TO AMEND PART I OF THE CODE OF THE TOWN OF MOUNT AIRY ENTITLED "ADMINISTRATIVE LEGISLATION", CHAPTER 13 ENTITLED "ETHICS", SECTION 13-4 ENTITLED "CONFLICTS OF INTEREST", SECTION 13-5 ENTITLED "FINANCIAL DISCLOSURE BY LOCAL ELECTED OFFICIALS AND CANDIDATES", SECTION 13-6 ENTITLED "FINANCIAL DISCLOSURE BY EMPLOYEES AND APPOINTED OFFICIALS", AND SECTION 13-7 ENTITLED "LOBBYING"

WHEREAS, upon the recommendation of the Town Ethics Commission, and in light of certain changes made by the State Ethics Commission to the State Ethics Code and associated regulations, and because State statute mandates that, unless an exemption is provided by the State Ethics Commission, municipalities must adopt and maintain a municipal ethics ordinance that, with respect to conflicts of interest and financial disclosure requirements, equals or exceeds the requirements of the State's ethics rules for elected officials of the State, the Town Council hereby adopts the following changes to the Town Code Chapter 13, entitled "Ethics".

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN
OF MOUNT AIRY:**

Section 1. That Part I, Chapter 13 to the Town Code, Section 13-4 of the Code be and is hereby repealed and reenacted with amendments as follows:

CHAPTER 13

ETHICS

§13-4. Conflicts of interest.

* * *

- C. Participation prohibitions. Except as permitted by Commission regulation or opinion, an official, employee or appointee may not participate in and must recuse himself or herself from:

* * *

(4) The prohibitions of Subsection C(1) and (2) do not apply if participation is allowed by regulation or opinion of the Commission.

(5) A former regulated lobbyist who is or becomes subject to this Chapter as an employee or official, other than an elected official or an appointed official, may not participate in a case, contract, or other specific matter as an employee or official, other than an elected official or appointed official, for one calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.

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E. Post-employment limitations and restrictions.

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(3) A former elected official may not assist or represent another party for compensation in a matter that is the subject of legislative action for one calendar year after the elected official leaves office.

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G. Use of prestige of office.

(1) An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another.

(2) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.

(3) Except as part of the official duties of the official or employee, or as a usual and customary constituent service without additional compensation, an official or employee may not:

(a) Influence the award of a contract to a specific person;

(b) Directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm;

(c) Use public resources to solicit a political contribution or promote his or her election campaign; and

(d) Use public resources to solicit a political contribution or promote a candidate for public office.

Section 2. That Part I, Chapter 13 to the Town Code, Section 13-5 of the Code be and is hereby repealed and reenacted with amendments as follows:

§13-5. Financial disclosure by local elected officials and candidates.

* * *

D. Public record.

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- (5) For statements filed after January 1, 2019, the Commission will not grant public access to, and will redact, an official's home address designated as such by the official.

* * *

F. Contents of statement. The disclosure statements required by this Section shall contain:

* * *

- (6) Indebtedness to persons or entities "doing business with" the Town, which for the purposes of this subsection shall mean persons or entities that are or become regulated by, are in contract with or that are seeking a contract with or other benefit from the Town, but shall not include persons or entities that perform regular and routine banking services or extend credit by means of a credit card to the Town and the person required to make disclosure under this section.

- (a) ~~A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, owed at any time during the reporting period to persons or entities "doing business with" the Town, which for the purposes of this subsection shall mean persons or entities that are or become regulated by, are in contract with or that are seeking a contract with or other benefit from the Town but shall not include persons or entities that perform regular and routine banking services or extend credit by means of a credit card to the Town and the person required to make disclosure under this section:~~ A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with or regulated by the individual's Town unit or department owed at any time during the reporting period:

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Section 3. That Part I, Chapter 13 to the Town Code, Section 13-6 of the Code be and is hereby repealed and reenacted with amendments as follows:

§13-6. Financial disclosure by employees and appointed officials.

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- E. ~~The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in § 13-5D of this chapter.~~ A lobbyist serving on a board, commission or committee and who is disqualified from participating in a specific matter shall file a statement of recusal with the board, commission or committee.
- F. A lobbyist serving on a board, commission or committee shall submit the same disclosure forms as required by elected officials under Section 13-5 or similar disclosure forms as approved by the Ethics Commission.
- G. The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in § 13-5D of this chapter.

Section 4. That Part I, Chapter 13 to the Town Code, Section 13-7 of the Code be and is hereby repealed and reenacted with amendments as follows:

§13-7. Lobbying.

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- D. Within 30 days after the end of any calendar year during which a person was registered under this section, the person shall file a report with the Commission disclosing;
- (1) The value, date, and nature of any food, entertainment, or other gift provided to a Town official or employee; and
 - (2) If a gift to a single official or employee of the Town of Mount Airy exceeds \$20 in value, or a series of gifts totaling \$100 or more given in one calendar year, the identity of the official or employee.
 - (3) If the filer's spouse is a regulated lobbyist, the entity that has engaged the spouse to lobby.

BE IT ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, that
this Ordinance shall take effect on the ____ day of _____, 2020.

Introduced this 4th day of November, 2020.

Enacted this ____ day of _____, 2020 by a vote of ____ in favor and ____ opposed.

ATTEST:

Jason Poirier, Secretary

Larry Hushour, President of the Town Council

Approved this _____ day of _____, 2020.

ATTEST:

Jason Poirier, Secretary

Patrick T. Rockinberg, Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.

This _____ day of _____, 2020.

Thomas V. McCarron, Town Attorney